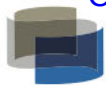


# **Exhibit 41**



*From the desk of:*  
**James M. Kramer, Esq.**

May 1, 2023

**VIA ECF**

Hon. Valerie Figueredo  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl Street  
 New York, NY 10007-1312

**Re. Gref v. Am. Int'l Indus., et al., 20-cv-05589**

Dear Judge Figueredo,

Plaintiff writes regarding AII's motion to compel the identities of the subjects of Dr. Moline's article "Mesothelioma Associated with the Use of Cosmetic Talc" Journal of Occupational Medicine, Vol. 62, No. 1, Jan. 2020 ("Moline Article"). Plaintiff has significant concerns that this issue is creating an inordinate delay in the trial of a living mesothelioma case. These concerns are exacerbated by fears of either side appealing this Court's order, no matter Your Honor's decision.

In order to alleviate those concerns, Plaintiff withdraws his experts' reliance on the Moline Article in this matter. This resolves the issue before Your Honor because AII's rationale for requiring Dr. Moline to produce the information is that "Dr Moline Cannot use her study offensively as reliance material then refuse to answer questions about it based on alleged privileges." Def. Br. at 12. To be clear, neither Dr. Moline nor any of Mr. Gref's experts will use this article offensively in this matter. The mootness of the issue is further underscored by Mr. Thackston asking me whether I would "stipulate that none of his experts will mention [the article]" at oral argument regarding the subpoena of Dr. Emory in this matter in the Eastern District of Virginia. (Relevant Portions from Transcript *Peninsula Pathology Associates v. American International Inc.*, 4:22mc1 at 20:13-17 attached as Exhibit "A"). Since Plaintiff is withdrawing reliance on the article, there can be no argument that the identity of the subjects of the Moline Article are relevant in Mr. Gref's lawsuit.

Additionally, Plaintiff agrees to produce Dr. Moline for a limited, three-hour deposition on her dose calculations as well as on any relevant literature she has authored and intends to rely on since she was last deposed.<sup>1</sup>

<sup>1</sup> Defendants' initial request to further depose Dr. Moline rested on their belief that they did not receive ample opportunity to explore Dr. Moline's opinions regarding the doses of asbestos Plaintiff's exposure would have exposed him to via Defendants' talc products. With the issue of the identities of the human subjects now mooted, these

*We stand for our clients.*

**HEADQUARTERS**

One Court Street  
 Alton, IL 62002  
 TEL: (618) 259-2222  
 FAX: (618) 259-2251

**NEW YORK**

112 Madison Avenue  
 New York, NY 10016  
 TEL: (212) 784-6400  
 FAX: (212) 213-5949

**CHICAGO**

230 W. Monroe  
 Suite 2221  
 Chicago, IL 60606  
 TEL: (312) 759-7500  
 FAX: (312) 759-7516

**SAN FRANCISCO**

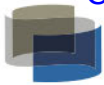
455 Market  
 Suite 1150  
 San Francisco, CA 94105  
 TEL: (415) 536-3986  
 FAX: (415) 537-4120

**LOS ANGELES**

100 N. Sepulveda Blvd.  
 Suite 1350  
 El Segundo, CA 90245  
 TEL: (310) 322-3555  
 FAX: (310) 322-3655

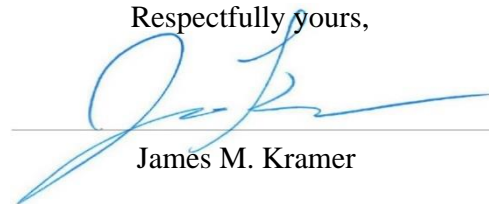
**ST. LOUIS**

231 S. Bemiston  
 Suite 525  
 St. Louis, MO 63105  
 TEL: (800) 479-9533



Because there is no longer a dispute before the Court regarding the Moline Article or the continuation of Dr. Moline's deposition, Plaintiff respectfully requests that AII's motion to continue the deposition of Dr. Moline and its motion to enforce the subpoena be denied as moot. We thank the Court for its time and energy in hearing this issue.

Respectfully yours,



James M. Kramer

cc: All Counsel of Record (via ECF)

calculations, along with any other reliance information Dr. Moline has accumulated, are now the only relevant topics to be explored.

*We stand for our clients.*

**HEADQUARTERS**

One Court Street  
Alton, IL 62002  
TEL: (618) 259-2222  
FAX: (618) 259-2251

**NEW YORK**

112 Madison Avenue  
New York, NY 10016  
TEL: (212) 784-6400  
FAX: (212) 213-5949

**CHICAGO**

230 W. Monroe  
Suite 2221  
Chicago, IL 60606  
TEL: (312) 759-7500  
FAX: (312) 759-7516

**SAN FRANCISCO**

455 Market  
Suite 1150  
San Francisco, CA 94105  
TEL: (415) 536-3986  
FAX: (415) 537-4120

**LOS ANGELES**

100 N. Sepulveda Blvd.  
Suite 1350  
El Segundo, CA 90245  
TEL: (310) 322-3555  
FAX: (310) 322-3655

**ST. LOUIS**

231 S. Bemiston  
Suite 525  
St. Louis, MO 63105  
TEL: (800) 479-9533